

Definition of private international law

A branch of JURISPRUDENCE arising from the diverse laws of various nations that applies when private citizens of different countries interact or transact business with one another.

Private international law refers to that part of the law that is administered between private citizens of different countries or is concerned with the definition, regulation, and enforcement of rights in situations where both the person in whom the right inheres and the person upon whom the obligation rests are private citizens of different nations. It is a set of rules and regulations that are established or agreed upon by citizens of different nations who privately enter into a transaction and that will govern in the event of a dispute. In this respect, private INTERNATIONAL LAW differs from public international law, which is the set of rules entered into by the governments of various countries that determine the rights and regulate the intercourse of independent nations.

Part of local legal system that governs the selection of appropriate law, and validity of judgments and jurisdictions of local and foreign courts, in civil cases containing a foreign element, such as where a contract made locally has to be performed in another country. Under the Rome Convention (in force since 1991) the laws of the legal system specified in a contract must be respected and, if no legal system was specified, rules laid down by the convention become applicable. Also called conflict of laws.

International private law or private international law is a set of rules of procedural law that regulates the relationships between physical and judicial persons of different nationalities. It determines which legal system and the law of which jurisdiction will apply to a legal dispute among private individuals involving a foreign element. It is also called as conflict of laws. The three branches of international private law are jurisdiction, choice of law, and foreign judgments.

According to the international private law, civil cases containing a foreign element, such as a contract made locally and which has to be performed in another country, the laws of the legal system specified in a contract will be applied and, if no legal system was specified, rules laid down by the convention becomes applicable.

Private international law is a body of rules used to resolve legal disputes between private individuals who cross international boundaries. Where a dispute is between two parties in different countries with different legal systems, private international law helps a court determine which country's substantive law will be used to decide the matter. Although it is called 'international law' it is in fact a body of domestic law, and each country has its own set of private international law. It is distinguished from public international law, which is the law which governs relations between States (nations).

Although private international law is a domestic body of law, a lot of work has been done by various

international bodies to try to harmonise private international law around the world. This harmonisation effort is designed to minimise the impact of international legal disputes and in so doing to promote international trade and commerce.